

M E M O

Alameda Corridor Transportation Authority

To: Governing Board
Meeting Date: February 20, 2025
From: Michael C. Leue, Chief Executive Officer
Subject: APPROVE Resolution JPA 25-1, Policy pursuant to Government Code Section 54956.96 authorizing limited circumstances for Governing Board members to discuss closed session information with their appointing home legislative body

Recommendation:

Approve Resolution No. JPA 25-1, a policy authorizing limited circumstances for ACTA Governing Board members to communicate information obtained in Closed Session during ACTA Governing Board meetings to their legal counsel and members of their appointing home legislative body.

Discussion:

California Government Code Section 54956.96(a)(1) authorizes a joint powers agency (JPA) to adopt a policy to authorize the sharing of certain categories of information disclosed to JPA board members in a closed session to a board member's local agency's legal counsel and other members of the local agency's legislative body. The Alameda Corridor Transportation Authority is a JPA formed by the City of Long Beach and the City of Los Angeles under the authority granted by Government Code Section 6500 *et seq.* and may therefore adopt a policy allowing limited disclosure of information learned in a closed session meeting.

Government Code section 54956.96 provides that a JPA may adopt a policy or bylaw to authorize the JPA board members to disclose information "that has direct financial or liability implications" for the members' appointing local agency. Specifically, such a policy may authorize disclosure of information learned in a closed session meeting to the following individuals:

- (1) the member's local agency legal counsel for purposes of obtaining advice on whether the matter has direct financial or liability implications for that member's local agency.
- (2) other local agency legislative body members when present in a closed session of that member's local agency.

With respect to ACTA's Governing Board members, this policy will allow authorized disclosures as follows:

ACTA Governing Board Member (and alternates as appointed)	Legal Counsel	Home Legislative Body [in closed session]
City of Los Angeles City Council Member	City of Los Angeles City Attorney	City of Los Angeles City Council
City of Long Beach City Council Member	City of Long Beach City Attorney	City of Long Beach City Council
County of Los Angeles Metropolitan Transportation Authority Member	Los Angeles County Counsel	County of Los Angeles Metropolitan Transportation Authority Board of Directors
City of Los Angeles Harbor Department Members (2)	City of Los Angeles City Attorney	City of Los Angeles Board of Harbor Commissioners
City of Long Beach Harbor Department Members (2)	City of Long Beach City Attorney	City of Long Beach Board of Harbor Commissioners

If the Governing Board would like to authorize Governing Board members to confer with their respective city attorneys, county counsel, and with their fellow home legislative body members in closed session about confidential information "that has direct financial or liability implications" for their member agency, it is recommended that the proposed policy be approved.

Budget Impact:

Approval of the proposed Resolution will not impact ACTA’s Operating Budget.

Co-General Counsel Review:

ACTA’s Co-General Counsel has reviewed and approved the proposed Resolution as to form.

Transmittals:

Transmittal 1 – Resolution No. JPA 25-1